



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJAW.P. (MD) No.16838 of 2017
and WMP Nos.13425 and 13426 of 2017

M.Karpagam

... Petitioner

Vs.

1. The Director cum Mission Director
(Integrated Child Development Scheme)
Pammal Nallathambi Street,
Taramani, Chennai.

2. The District Collector,
Dindigul District.

3. The Child Development Scheme Officer,
Palani, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the 2nd respondent to promote the petitioner as Noon Meal Organizer from Noon Meal Assistant for Integrated Child Development Service Scheme, Palani Taluk, Dindigul District by considering the representation dated 01.09.2017.

For Petitioner : Mr.N.Mohan

For Respondents : Mr.D.Muruganandham

Additional Government Pleader

ORDER

By consent of both sides, this writ petition itself is taken up for final disposal.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The petitioner has come to this Court seeking a writ of mandamus to direct the 2nd respondent to promote her as Noon Meal Organizer from Noon Meal Assistant for Integrated Child Development Service Scheme, Palani Taluk, Dindigul District by considering the representation dated 01.09.2017.

4.The learned counsel for the petitioner would submit that the petitioner, having been appointed as Noon Meal Assistant on

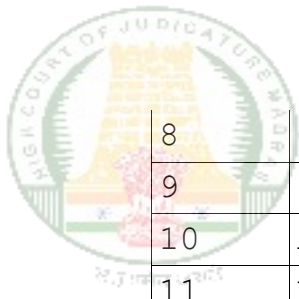
14.08.2007, joined the post on 31.08.2007. She has also completed 10th standard and also completed 10 years of unblemished service in the third respondent from the date of appointment. In the meanwhile, the respondents published an advertisement inviting applications from eligible candidates for filling up of 54 vacancies for the post of Noon Meal Organizers and interview was also conducted on 30.08.2017 and 31.08.2017. However, till date, no appointment has been made. It is the apprehension of the petitioner that without considering the petitioner, who has got full qualification, the respondents cannot be permitted to proceed with the selection process to fill up the post of Noon Meal Organizer. Therefore, a direction may be given to the respondents to consider the case of the petitioner.

5. A detailed counter affidavit has been filed by the third respondent.

6. The learned Additional Government Pleader would submit that the petitioner is ineligible for the promotional post of Noon Meal Organizer. Firstly, she had completed 10 years of service only on 31.08.2007, whereas, the seniority panel for persons, who have completed 10 years of service as Anganwadi Helper fit for promotion to the promotional post, was drawn on 01.06.2017 and promotions were given on 07.08.2017. Since the petitioner has not completed 10 years of service as Anganwadi Worker, her name has not been included in the said panel. However, her case would be considered for Anganwadi Worker for future vacancies.

7. It is further stated that when the paper publication was issued to fill up 54 vacancies for the post of Anganwadi Worker and Helper in Dindigul District, interview was also conducted and vacancies relate to earlier period over three years were taken into account and the persons, those who have completed the qualifying 10 years of service as on 31.08.2017, cannot claim that they should be promoted for the earlier vacancies. In Palani Taluk alone, there are 6 more Anganwadi Assistants, who have completed 10 years of service as on 31.08.2017 are awaiting for promotion, whose names are given below:

Sl.No	Name of the Anganwadi Assistant	Date of joining as Anganwadi Assistant	Completion of 10 years of service
1	P.Vinayagi	23.04.2007	23.04.2017
2	K.Kaleeswari	23.04.2007	23.04.2017
3	T.Kavitha	23.04.2007	23.04.2017
4	P.Thilagalakshmi	24.04.2007	24.04.2017
5	A.Selvi	23.04.2007	23.04.2017
6	D.Senthilvadivu	28.05.2007	28.05.2017
7	G.Lakshmi	31.08.2007	31.08.2017



8	C.Karpagam	31.08.2007	31.08.2017
9	P.Prabha	31.08.2007	31.08.2017
10	Angammal	31.08.2007	31.08.2017
11	M.Periyanayagam	31.08.2007	31.08.2017
12	T.Kaleeswari	31.08.2007	31.08.2017
13	R.Lakshmi	30.11.2007	30.11.2017

8.In the above list, Tmt.T.Senthilvadivu, who is in S.No.6 was given promotion on 07.08.2017. Since the seniority panel for the persons, who have completed 10 years of service as Anganwadi Helper and fit for promotion to the post of Anganwadi Worker was drawn as on 01.06.2017, promotion given on 07.08.2017. On 01.06.2017, the petitioner has not completed 10 years of service. The reason is that the petitioner has completed her 10 years of service in the feeder category only on 31.08.2017.

9.This Court, fully agreeing with the stand taken by the respondents, is unable to answer the prayer of the petitioner in her favour. Recording the stand taken by the respondents that the case of the petitioner would be considered in the future vacancies, this writ petition is dismissed directing the respondents to consider the case of the petitioner as and when vacancies arise on the basis of her seniority. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Director cum Mission Director
(Integrated Child Development Scheme)
Pammal Nallathambi Street,
Taramani, Chennai.
2. The District Collector,
Dindigul District, Dindigul.
3. The Child Development Scheme Officer,
Palani, Dindigul District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 78776

RR

TE/MR-KKR/SAR-II : 30/10/2017 : 3P/5C

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